**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION.**

JUDGES ORDER No.172 of 2006.

IN

SUIT No. 3240 of 2003.

Smt.Chhaya Ramesh Dhasal. ..Plaintiffs.
and Ors.

**V/s.**

Anand Ramhandra Adhav ..Defendant.

Ms. Agnes Baradia i/b. M/s. Thakore Jariwalla
& Associates for plaintiff.

Ms. Anita Bafna for defendant.

**CORAM:S.C.DHARMADHIKARI,J.**

**DATED: 31st July, 2006.**

**P.C.:-**

1] This matter was placed before me as J.O./Application for taking forcible possession from the defendant was moved,in the circumstances, set out in the affidavit in support.

2] The matter was adjourned repeatedly to enable the plaintiff to serve the defendant. The Defendant has appeared through an

Advocate,now. Both sides have agreed to settle their disputes in the main suit.

3] The Plaintiff No.1 is the mother of Plaintiff Nos. 2 and 3 who are minors. She is appointed as guardian to represent the plaintiff Nos. 2 and 3 and she has signed the consent terms for and on behalf of the minors. She has made a statement that the amounts which are going to be received under these terms would be utilized towards meeting of their expenses and for their benefit.

4] The defendant has agreed and undertaken to pay a sum of Rs.3,10,000/- in the manner set out in the consent terms which have agreed to be accepted in full and final settlement by the Plaintiffs if paid by November,2006, in default, Suit stands decreed as prayed.

5] As far as the flat/residential premises, it is agreed between the parties that the defendant who is in possession thereof, will continue as Agent of the Court Receiver without any security and royalty. The

Defendant has undertaken to this Court to hand over possession of the subject premises, in the event, there is default by him in compliance of the promises.

6] The Defendant is also present in the Court.

7] The Consent Terms signed by the parties and their Advocates are taken on record and marked "X" for identification.

8] Order in terms of the Consent Terms.

9] This order is passed in the presence of the Plaintiff No.1, mother of the minors.

10] In the light of the Consent Terms, no order on the Judges Order/Application for forcible possession. It stands disposed of accordingly.

11] Refund of court fee as per rules.

12] No order as to costs.

**[S.C. DHARMADHIKARI,J]**